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June 21, 2005

VIA FACSIMILE

To: Examiner Timothy L. Rude
Group Art Unit: 2883
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: Frederick E. Cooperrider

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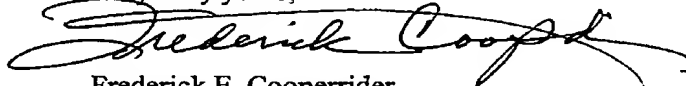
Re: Enclosed Petition Under 37 CFR §1.181 to Admit Entry of Claims 18-20 for Purpose of
Appeal and Appellant's Reply Brief on Appeal
U.S. Patent Application Serial No. 09/929,488
Docket No.: 250901/00

Dear Examiner Rude:

Enclosed for filing is an Petition Under 37 CFR §1.181 to Admit Entry of Claims 18-20
for Purpose of Appeal and Appellant's Reply Brief on Appeal for the above-identified patent
application.

Thank you in advance for your kind consideration on this case.

Very truly yours,



Frederick E. Cooperrider

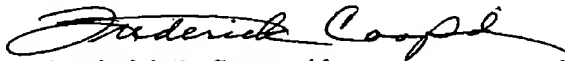
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Enclosures

Total pages transmitted: 16

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 this Petition Under 37 CFR
§1.181 and Appellant's Reply Brief to Examiner T. Rude on June 21, 2005.



Frederick E. Cooperrider
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Matsumoto, Kimikazu

Serial No.: 09/929,488

Group Art Unit: 2883

Filed: August 15, 2001

Examiner: Rude, T.

For: **ACTIVE MATRIX TYPE LIQUID CRYSTAL DISPLAY DEVICE**Commissioner of Patents
Alexandria, VA 22313-1450**PETITION UNDER 37 C.F.R. §1.181 TO ADMIT
ENTRY OF CLAIMS 18-20 FOR PURPOSE OF APPEAL**

Sir:

In accordance with 37 C.F.R. §1.127, Appellants respectfully petition under 37 C.F.R. §1.181 that, for purpose of Appeal, claims 18-20 be considered as entered into the record and potentially available for rejoinder, as previously indicated by the Examiner in Paragraph 3 on page 2 of the Office Action dated August 5, 2004.

In Paragraph (3) on page 2 of the Examiner's Answer, dated April 21, 2005, the Examiner contradicted his earlier position and asserted that these claims are not subject to rejoinder. Appellant, therefore, requests that, as a preliminary issue in the Appeal process, the availability for rejoinder of these claims 18-20 be clarified on the record.

It is noted that these claims had been amended to eliminate the Examiner's rationale for initially withdrawing these claims, as explained in Section II on page 9 of the Amendment Under 37 CFR §1.111, filed on May 25, 2004.

Petition to Force Entry of Claims 18-20
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In more detail, on page 2 of the Examiner's Answer, the Examiner alleges that claims 18-20 are not subject to rejoinder because these claims are "... not directed to the elected invention (a display device) as originally presented." This statement in the Examiner's Answer contradicts the statement in the Office Action dated August 8, 2004, in which Office Action, in paragraph 3 on page 2, the Examiner stated: "*Applicant is respectfully reminded that rejoinder of withdrawn process claims will be made if they are found to depend from or otherwise include all the limitations of an allowable product claim (MPEP 821.04).*"

Moreover, it is submitted that, as best understood, the Examiner's continued maintenance of the withdrawal of claims 18-20 is because of the originally-filed claim wording, rather than the subsequently-revised claim wording. That is, Appellant revised the claim language to eliminate the Examiner's rationale for restriction, as best understood and as explained in the Amendment Under 37 CFR §1.111, filed on May 25, 2004.

It is noted that, as best understood, the Examiner's position relative to this constructive withdrawal of claims 18-20 is actually based on a confusion on the Examiner's part that Appellant cannot amend the wording of claim language as prosecution proceeds. Appellant submits that such prohibition against changing claim language during prosecution is clearly contrary to current patent law. It is further noted that making adjustments in claim language is routine during prosecution for any number of reasons, including that of revising wording in response to a restriction/election requirement.

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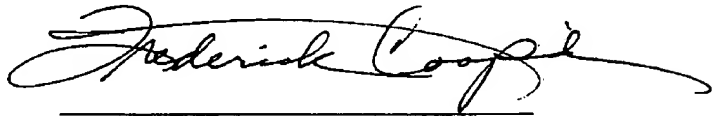
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Therefore, because the claim wording has been amended to overcome the Examiner's rationale for restriction, Appellant requests that claims 18-20 be officially recognized on the record as available for rejoinder.

It is understood that no fee is applicable for filing this Petition. However, to the extent that such fee is applicable, the Commissioner is authorized to charge any deficiencies and/or credit any overpayments necessary to enter this paper to Attorney's Deposit Account number 50-0481.

Respectfully submitted,

Date: 6/21/05



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